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SUBJECT: UNHCR IN MALAYSIA: THE HONEYMOON IS OVER

REF: KUALA LUMPUR 268

Classified By: Charge d'Affaires David B. Shear for reasons 1.4 b and d  
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#### Summary

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¶1. (C) The UNHCR representative in Malaysia, meeting with the Ambassador March 2, described difficulties with the Home Affairs Ministry and raised the prospect the GOM might restrict the UNHCR's ability to operate in country. The Home Affairs Ministry recently eliminated the UNHCR's access to current and potential persons of concern incarcerated in Malaysia's illegal migrant detention centers. In addition to GOM criticism, UNHCR also faces complaints of religious discrimination from Burmese Muslim Rohingya leaders, who are reacting to the large Burmese Chin resettlement effort on behalf of the USG; the Chins are predominantly Christian. The GOM has not fulfilled its part of an informal understanding among the GOM, the UNHCR and the USG, under which the GOM would provide temporary residence documentation to the Rohingyas, while the USG resettles thousands of Chins into the United States. The Embassy strongly advocated for the UNHCR with the GOM as GOM/UNHCR friction emerged in February (reftel). The Embassy will engage the Foreign Ministry and Home Affairs Ministry to further express support for the UNHCR, push for GOM provision of temporary residence documentation for the Rohingyas, explain our Chin resettlement efforts, and recommend closer GOM cooperation with the UNHCR's efforts on behalf of refugees here. We also intend to work closely with the UNHCR and PRM to finalize a UNHCR refugee assistance proposal that supports education and health care for the Rohingya community. End Summary.

#### UNHCR's "Honeymoon Period" Ending

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¶2. (C) The Ambassador invited UNHCR Representative Volker Turk and his Deputy, Henrik Nordentoft, for a March 2 discussion on the various challenges facing the UNHCR in light of recent GOM criticism emanating from the Home Affairs Minister, Mohd Radzi Sheikh Ahmad (reftel). Turk said, "There is a real danger the GOM will curtail our operations in Malaysia, but I don't think they'll go so far as to kick us out." According to Turk, the Home Affairs Minister recently initiated two cabinet level discussions about the UNHCR and refugee issues; Turk described the discussions as "inconclusive." Turk said, "The honeymoon period the UNHCR has enjoyed for the past two and a half years is coming to an end." He briefed UNHCR High Commissioner Guterres on the situation during the week of February 26 in Geneva.

¶3. (C) According to Turk, the Home Affairs Ministry's Immigration Enforcement Director Ishak Mohammad recently told him that the UNHCR will no longer be allowed to visit

potential "persons of concern" incarcerated in Malaysia's 13 illegal migrant detention facilities. Volker said restrictions on UNHCR's visits to detention facilities began to surface during September 2006, with a gradual tightening that culminated in the recent ban. About 750 UNHCR persons of concern are currently in illegal migrant detention centers throughout the country, including the 45 UNHCR persons of concern detained during a January 28 immigration raid (reftel).

¶4. (C) Note: Many persons of concern in detention remain unaware of the GOM's new visitation restrictions on the UNHCR. According to the UNHCR, 42 Chin persons of concern (19 recognized refugees and 23 asylum seekers) in a detention center staged a hunger strike from January 31 - February 9. They had repeatedly requested a UNHCR visit, following their detention on December 16, 2006. After appeals from the UNHCR on humanitarian grounds, Prisons Department officials allowed a teleconference between the UNHCR and three of the hunger strikers. The refugees immediately ended their hunger strike, but all 42 were transferred to other detention facilities the next day, as a direct precursor to deportation. The Immigration Department has not responded to UNCHR's request to stop their deportation. End Note.

¶5. (C) Regarding the GOM's recently conveyed decision to relocate the UNHCR's compound in KL, Turk told the Ambassador he was "reasonably confident" he could delay such a move until after the end of the USG's fiscal year in September 2007, in order not to disrupt Chin resettlement efforts. He said the GOM is not yet putting severe pressure on him to move immediately, and he will continue attempts to delay or cancel the proposed relocation. In light of the UNHCR's potential relocation, the UNHCR has prepared a revised

KUALA LUMP 00000448 002 OF 003

security upgrade proposal for USG funding consideration. Embassy RSO and poloff visited the UNHCR compound on March 7 to review the revised security upgrade plan; we have forwarded our assessment of the proposed security upgrades to the Department and to the SE Asia Regional Refugee Coordinator in Bangkok.

#### Muslim Rohingya Refugees Increasingly Disgruntled

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¶6. (C) Pressure continues to build from (predominantly Muslim) Rohingya refugee leaders - thus far targeted at the Home Affairs Ministry and at the UNCHR - who perceive religious discrimination in the resettlement of (predominantly Christian) Chin refugees to the United States. According to Turk, Rohingya leaders recently met with Home Affairs Ministry officials to voice their complaints of discrimination by the UNHCR. (Note: On March 8, approximately 60 Rohingya refugees staged a brief, peaceful demonstration outside the UNHCR compound. They delivered a strongly worded letter to the UNCHR, with copies sent to major human rights NGOs in Malaysia, claiming "maltreatment and racial/religious discrimination of the UNCHR." End Note.)

¶7. (C) Turk characterized his Rohingya leader interlocutors as "very hard to deal with." He described several of them as "criminals" engaged in corruption against their own people. He recommended against an active outreach program by the Embassy to these Rohingya leaders, and he cautioned us about our future approaches to Rohingya community leaders. He said, "They publicized our private discussions and misrepresented our words, while trying to draw even more Rohingyas to Malaysia."

¶8. (C) Turk said he will continue to push the GOM to resume its registration of Rohingya refugees, as a precursor to GOM provision of IMM13 temporary residence documentation that enables its holder to work legally in Malaysia. The GOM suspended its registration effort during August 2006, after

uncovering corrupt practices by Rohingya leaders involved in the registration process. GOM provision of IMM13 documents to the Rohingyas was part of an unwritten understanding reached in the past couple years between the GOM and the UNHCR, with the concurrence of the United States. Within that understanding, the GOM was to provide IMM13s to the Rohingyas, while the U.S. would resettle a large number of Chins. The GOM made clear its willingness to convert Muslim Rohingya refugees into legal residents - a prospect not extended to the Christian Chins.

¶9. (C) Given the political and religious sensitivities of our large resettlement efforts focused on Chins, Turk would like the USG to consider increased resettlements of non-Chins in coming years from Malaysia.

¶10. (C) Turk cautioned that GOM resistance to helping the Rohingyas is not confined to the Home Affairs Ministry. Turk said several of his MFA interlocutors are negatively disposed toward eventual permanent residency of the Rohingyas, in part due to racism among senior MFA officials. He said some MFA officials characterized the Rohingyas in a derogatory manner as being "of Indian blood," during a February 2007 meeting. Turk said a senior MFA official characterized FM Syed Hamid as an "old school" thinker who is not kindly disposed toward the UNHCR or to the plight of refugees in Malaysia. According to Turk, anti-UNHCR officials within the GOM prefer a "Singapore model" in which the UNHCR has no operating presence, and refugees have no protection from arrest and deportation. Balancing these negative sentiments, Turk said, are the voices of many senior civil servants in all ministries who recognize the value of the UNHCR's work, and who understand the international opprobrium that would descend upon Malaysia, should the GOM significantly restrict or eliminate the UNHCR's activities here. In order to bolster support within the GOM, Turk told us he and UN Development Program Resident Representative Richard Leete intend to jointly visit Deputy PM Najib by the end of March.

#### Embassy Offers UNHCR Support and Close Cooperation

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¶11. (C) Ambassador LaFleur expressed his disappointment that the GOM is not fulfilling its part of the bargain by providing the Rohingyas with IMM13 documentation. The Ambassador offered the Embassy's continued engagement with the Home Affairs Ministry and the Foreign Ministry to back the UNHCR's role and efforts, encourage the GOM to honor its agreement to help the Rohingyas, and provide information concerning our ongoing resettlement of Chins. The Ambassador

KUALA LUMP 00000448 003 OF 003

stated his willingness to take up these issues directly with the Home Affairs and Foreign ministers, when appropriate. Turk very much appreciated the Embassy's support and said he would consider the timing and implications of a possible approach by the Ambassador to the two ministers. Embassy approaches could help the UNHCR and possibly jump start the GOM's provision of IMM13 documentation to the Rohingyas. The Ambassador and Turk agreed to remain closely coordinated in the respective Embassy and UNHCR discussions with the GOM.

#### Iraqi Refugee Inflow Increases

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¶12. (C) Turk said an increasing though still small number of Iraqi refugees are entering Malaysia, including some transiting through Syria. He gave an example of four Iraqi families currently detained at Kuala Lumpur's international airport. Although Iraqis require no visa to enter Malaysia, immigration officials at the airport interviewed the Iraqis and classified them as intending immigrants. The GOM wants the UNHCR to recognize the Iraqi families as persons of concern, in order to ease their removal from detention and prevent their deportation. Turk has thus far refused, saying UNHCR recognition of the Iraqis would only reward the human

smuggling ring that charged each family "\$20,000 or more" to facilitate their entry into Malaysia. (Comment: Separately, the Iraqi Embassy noted a current trend of Iraqis seeking refuge in Malaysia. End Comment.)

¶13. (C) The UNHCR wants to offer its protection to the Iraqis, but the UNHCR fears quick action to intervene would initiate a wave of similar Iraqis entering Malaysia and asking for similar UNHCR support. According to Nordentoft, the UNHCR is "trying to strike the proper balance between protecting individuals and the overall management of the UNHCR's resources." According to our sources, the GOM is also concerned about the increasing flow of Iraqis into Malaysia. The Home Affairs Ministry is currently reexamining its visa-less entry policy for Iraqis (as well as for Tamil Sri Lankans), with an eye toward near-term establishment of restrictions.

Comment  
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¶14. (C) As Turk noted, the UNHCR's honeymoon period in Malaysia has come to an end. In the face of criticism largely emanating from the Home Affairs Ministry, the UNHCR continues to be able in large part to carry out its mandate. However, the prohibition on UNHCR visits to immigration detention centers is an important exception. Sorting out GOM rhetoric and action is also important to our understanding. Local communities' complaints regarding illegal squatters often result in harsh words from Malaysian officials, as well as police and immigration crack-downs that fail to distinguish between refugees and undocumented migrants. Immigration issues remain among the most sensitive political issues in Malaysia. In coordination with the UNHCR, in February the Embassy quickly raised concerns over the Home Affairs Minister's statements with both the Foreign and Home Affairs ministries (reftel). We will work closely together with the UNHCR on our next approaches to the Malaysian Government.

¶15. (SBU) Provision this fiscal year of broad-based refugee assistance funds from the USG to the UNHCR in KL, including significant education and health care funds for the Rohingya community, will help refute Rohingya leaders' charges of religious discrimination by the UNHCR and the USG. We therefore recommend that the Department expedite its review and funding of the revised refugee assistance program proposal, once the proposal is received from the UNHCR.  
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